TABLE A–1.—A_1 AND A_2 VALUES FOR RADIONUCLIDES—Continued

(See footnotes at end of table)

Symbol of radionuclide	Element and atomic number	A_1(Ci)	A_2(Ci)	Specific activity (Ci/g)
Th (irradiated)**				
^{200}Tl	Thallium (81)	20	20	5.8×10^{5}
^{201}Tl		200	200	2.2×10^{3}
^{202}Tl		40	40	5.4×10^{4}
^{204}Tl		300	10	4.3×10^{2}
^{170}Tm	Thulium (69)	300	10	6.0×10^{2}
^{171}Tm		1000	100	1.1×10^{3}
^{230}U	Uranium (92)	100	0.1	2.7×10^{4}
^{232}U		30	0.03	2.1×10
^{233}U		100	0.1	9.5×10^{-3}
^{234}U		100	0.1	6.2×10^{-3}
^{235}U		100	0.2	2.1×10^{-6}
^{236}U		200	0.2	6.3×10^{-5}
^{238}U		Unlimited.	Unlimited.	3.3×10^{-7}
U (natural)		Unlimited.	Unlimited.	(SEE TABLE A-4)
U (enriched) <20%		Unlimited.	Unlimited.	(SEE TABLE A-4)
20% or greater		100	0.1	(SEE TABLE A-4)
U (depleted)		Unlimited.	Unlimited.	(SEE TABLE A-4)
U (irradiated)***				
^{48}V	Vanadium (23)	6	6	1.7×10^{5}
^{181}W	Tungsten (74)	200	100	5.0×10^{3}
^{185}W		1000	25	9.7×10^{-3}
^{187}W		40	20	7.0×10^{4}
^{127}Xe (uncompressed)*	Xenon (54)	70	70	2.8×10^{4}
^{127}Xe (compressed)*		5	5	2.8×10^{4}
^{131m}Xe (compressed)*		10	10	1.0×10^{3}
^{131m}Xe (uncompressed)*		100	100	1.0×10^{5}
^{133}Xe (uncompressed)*		1000	1000	1.9×10^{5}
^{133}Xe (compressed)*		5	5	1.9×10^{5}
^{135}Xe (uncompressed)*		70	70	2.5×10^{5}
^{135}Xe (compressed)*		2	2	2.5×10^{5}
^{87}Y	Yttrium (39)	20	20	4.5×10
^{90}Y		10	10	2.5×10^{5}
^{91m}Y		30	30	4.1×10^{7}
^{91}Y		30	30	2.5×10^{4}
^{92}Y		10	10	9.5×10^{5}
^{93}Y		10	10	3.2×10^{6}
^{169}Yb	Ytterbium (70)	80	80	2.3×10^{5}
^{175}Yb		400	25	1.8×10^{5}
^{65}Zn	Zinc (30)	30	30	8.0×10^{3}
^{69m}Zn		40	20	3.3×10^{5}
^{69}Zn		300	20	5.3×10^{7}
^{93}Zr	Zirconium (40)	1000	200	3.5×10^{-3}
^{95}Zr		20	20	2.1×10^{4}
^{97}Zr		20	20	2.0×10^{6}

* For the purpose of Table A–1, compressed gas means a gas at a pressure which exceeds the ambient atmospheric pressure at the location where the containment system was closed.

** The values of A_1 and A_2 must be calculated in accordance with the procedure specified in Appendix A, paragraph II(3), taking into account the activity of the fission products and of the uranium–233 in addition to that of the thorium.

*** The values of A_1 and A_2 must be calculated in accordance with the procedure specified in Appendix A, paragraph II(3), taking into account the activity of the fission products and plutonium isotopes in addition to that of the uranium.

TABLE A–4.—ACTIVITY-MASS RELATIONSHIPS FOR URANIUM/THORIUM

Thorium and uranium enrichment[1] wt % ^{235}U present	Specific activity Ci/g	Specific activity g/Ci
0.45	5.0×10^{-7}	2.0×10^{6}
0.72 (natural)	7.06×10^{-7}	1.42×10^{6}
1.0	7.6×10^{-7}	1.3×10^{6}
1.5	1.0×10^{-6}	1.0×10^{6}
5.0	2.7×10^{-6}	3.7×10^{5}
10.0	4.8×10^{-6}	2.1×10^{5}

TABLE A–4.—ACTIVITY-MASS RELATIONSHIPS FOR URANIUM/THORIUM—Continued

Thorium and uranium enrichment[1] wt % ^{235}U present	Specific activity Ci/g	Specific activity g/Ci
20.0	1.0×10^{-5}	1.0×10^{5}
35.0	2.0×10^{-5}	5.0×10^{4}
50.0	2.5×10^{-5}	4.0×10^{4}
90.0	5.8×10^{-5}	1.7×10^{4}
93.0	7.0×10^{-5}	1.4×10^{4}
95.0	9.1×10^{-5}	1.1×10^{4}

TABLE A–4.—ACTIVITY-MASS RELATIONSHIPS FOR URANIUM/THORIUM—Continued

Thorium and uranium enrichment[1] wt % ^{235}U present	Specific activity Ci/g	Specific activity g/Ci
Natural Thorium	2.2×10^{-7}	4.6×10^{6}

[1] The figures for uranium include representative values for the activity of the uranium-234 which is concentrated during the enrichment process. The activity for Thorium includes the equilibrium concentration of Thorium-228.

[FR Doc. 83-23122 Filed 8-23-83; 8:45 am]

BILLING CODE 1505-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. 0031]

Removal of Interest Rate Ceilings on Time Deposits

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rule.

SUMMARY: Effective October 1, 1983, the Depository Institutions Deregulation Committee ("Committee") has:

(1) Eliminated all interest rate ceilings (a) on all time deposits with original maturities or required notice periods of more than 31 days, and (b) on time deposits of $2,500 or more with original maturities or required notice periods of seven to 31 days;

(2) Eliminated other regulations on time deposits *except for:* (a) The minimum early withdrawal penalties; (b) a minimum denomination of $2,500 for ceiling-free time deposits with original maturities or required notice periods of seven to 31 days; (c) the current ceiling on time deposits of less than $2,500 with original maturities or required notice periods of seven to 31 days; and (d) the rules of the agencies requiring a one percentage point differential between a loan rate and the rate on a time deposit securing a loan; and

(3) Established the following new minimum early withdrawal penalties: (a) For time deposits with original maturities or required notice periods of 32 days to one year, loss of one month's simple interest; and (b) for time deposits with original maturities or required notice periods of more than one year, loss of three months' simple interest. (The current penalty for the seven to 31 day account set forth at 12 CFR 1204.121 remains unchanged and applies to all time deposits with original maturities or required notice periods of seven to 31 days).

The new regulations apply only to accounts opened, renewed or extended on or after October 1, 1983. These regulations do not affect any accounts that have not matured prior to that date. The Committee's actions were taken to provide depository institutions with more flexibility in managing their asset-liability structures.

EFFECTIVE DATE: October 1, 1983. Certain conforming amendments to the Committee's rules will be effective January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Paul S. Pilecki, Senior Counsel, Board of Governors of the Federal Reserve System (202/452-3281); Alan Priest, Attorney, Office of the Comptroller of the Currency (202/447-1880); Jules Bernard, Senior Attorney, F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4147); Robert H. Ledig, Attorney, Federal Home Loan Bank Board (202/377-7057); or Betty A. Whelchel, Attorney-Advisor, Treasury Department (202/566-8737).

SUPPLEMENTARY INFORMATION: The Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. No. 96-221, 12 U.S.C. 3501, *et seq.*) ("DIDA") was enacted to provide for the orderly phaseout, and the ultimate elimination of, ceilings on the maximum rates of interest and dividends that may be paid on deposit accounts. Under the DIDA, the Committee is authorized to phase out interest rate ceilings by one or more of the methods specified in the Act, including the complete elimination of ceilings applicable to particular categories of accounts.

The Committee had adopted a deregulation schedule (12 CFR 1204.119) that provides for the gradual removal of interest rate ceilings beginning with longer term accounts. Under this plan, there are no ceilings on time deposits with original maturities of 2½ years or more issued on or after April 1, 1983. Ceilings were scheduled to be removed on accounts with maturities or required notice periods of 1½ years or more on April 1, 1984; of 6 months or more on April 1, 1985; and of 14 days or more on March 31, 1986.

Subsequent events, however, have brought into question the need to continue the deregulation process in accordance with the Committee's deregulation schedule. In the Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97-320), Congress provided for both (1) the elimination of the interest rate differentials for all categories of insured accounts on or before January 1, 1984, and (2) the establishment of the ceiling-free money market deposit account ("MMDA") no later than December 14, 1982. Given these statutory mandates for the accelerated elimination of the differential and the establishment of the MMDA, the Committee began to question whether ceilings on time deposits are still necessary. Also, the authorization of the MMDA, and later the ceiling-free NOW account, created an anomalous situation where ceilings had been eliminated on highly liquid short-term accounts and on longer-term certificates of deposit, but not on the intermediate accounts. Depository institutions consequently began to find it difficult to balance properly their asset-liability structures.

The Committee, given the circumstances, decided at its December 6, 1982 meeting to seek public comment on eliminating the remaining ceilings and on several methods for accelerating the deregulation of time deposits. It received approximately 365 comments on those proposals. Over half of the commenters expressed the view that further deregulation should be postponed because more time was needed for depository institutions to absorb the changes that were taking place as a result of the MMDA and the ceiling-free NOW account. Many of the respondents commented that the Committee should abide by the schedule that was put in place in April 1982. The most typical response was that the Committee was issuing too many new regulations too fast, and that it was hard for the industry to keep up with all the DIDC changes, especially when there was short lead time to prepare for the changes. Commenters pointed out that it took time to teach employees about the accounts so they could explain the new rules to the customers, as well as make necessary data processing changes.

Over 40 percent of the commenters, however, indicated support for some form of accelerated deregulation. These commenters pointed out that depositors did not have the opportunity to invest in competitive, insured accounts with maturities between six and 30 months. In addition, these commenters indicated that deregulation of all accounts would allow depository institutions to price their deposits in a way that would attract funds in the maturity categories that best match the maturities of their loans and investments.

At its March 1, 1983 meeting, the Committee voted to table discussion of this issue and all the other agenda items until the June meeting. In part, that decision reflected the fact that the then prevailing deregulation schedule called for the minimum maturity of the long-term, ceiling-free account to be reduced on April 1, 1983, from 3½ years to 2½ years and the minimum maturity on the indexed small savers certificate to be reduced from 30 months to 18 months. Although institutions had known of these changes for over a year and had time to plan for them, the changes were significant and the Committee believed that institutions should be given additional time to adjust to them before further changes were made. Moreover,

depository institutions were in the process of adjusting to the recently authorized MMDA and the ceiling-free NOW account.

At its June 30, 1983 meeting, the Committee determined that depository institutions had had sufficient time to adjust to past changes in account structures and to prepare for the complete elimination of all ceilings on accounts. Therefore, it decided, effective October 1, 1983, to eliminate virtually all interest rate ceilings and other regulations governing time deposits except for (1) required early withdrawal penalties; (2) the $2,500 minimum denomination on the ceiling-free, seven to 31-day account; and (3) the rules of the agencies requiring a one percentage point differential between a loan rate and the rate on a time deposit securing a loan.

Thus, regulations such as those requiring that time deposits of 1½ years or more be made available in denominations of $500 or more, or those restricting the negotiability of the seven to 31 day account, have been eliminated with respect to accounts established on or after October 1, 1983. The new interest rate ceiling structure will be as follows:

INTEREST RATE CEILING STRUCTURE
EFFECTIVE OCT. 1, 1983

Account	Required minimum deposit	Interest rate ceiling	
		Commercial banks	Savings and loan associations and savings banks
NOW Accounts	$0 to $2,499	5¼ percent.	5¼ percent.
Ceiling-free NOW accounts.	$2,500	None	None.
Passbook savings	None	5¼ percent.	5½ percent.
MMDA	$2,500	None	None.
Time deposits of 7–31 days [1].	$0 to $2,499.	5¼ percent.	5½ percent.
Time deposits of 7–31 days.	$2,500	None	None.
All time deposits of more than 31 days.	None	None	None.

[1] The agencies advise that depository institutions may continue to issue to governmental units time deposits of less than $2500 with maturities or required notice periods of seven to 31 days, subject to the current ceiling of eight percent in effect for such deposits.

Since a minimum denomination of $2,500 will still be required on ceiling-free, seven to 31-day accounts, all regulations designed to uphold that requirement will remain in effect with respect to seven to 31-day accounts. Consequently, the restrictions on loans, additional deposits, and automatic transfers to other accounts set forth in § 1204.121 (b), (d), and (e) will still apply to such accounts. In addition, since interest ceilings remain in effect for NOW accounts and passbook accounts of less than $2,500, restrictions concerning withdrawals from seven to 31-day time deposits in Section 1204.121(f) will remain in effect.

Similarly, since ceilings will remain in effect with respect to time deposits of less than $2,500 with original maturities or required notice periods of seven to 31 days, all regulations designed to enforce ceilings shall remain in effect with respect to such accounts. Consequently, rules pertaining to premiums, finders' fees, prepayment of interest, and payment of interest in merchandise will still apply to those seven to 31-day accounts of less than $2,500.

The Committee also established the following new minimum early withdrawal penalties: (1) For accounts with original maturities or required notice periods of 32 days to one year, loss of one month's simple interest; and (2) for accounts with original maturities or required notice periods of more than one year, loss of three months' simple interest. It later clarified its action with respect to the seven to 31-day account by a notation vote, retaining the existing penalty and applying it to all time deposits of seven to 31 days. This penalty provides for the forfeiture of the greater of (1) all interest earned on the amount withdrawn from the most recent of the date of deposit, date of maturity, or date on which notice was given, or (2) all interest that could have been earned on the amount withdrawn during a period equal to one-half the maturity period or the required notice period.

Depository institutions are to invade the principal of the account, if necessary, to impose the early withdrawal penalty. To calculate the interest rate to be used in assessing the penalty on floating rate or variable rate time deposits, depository institutions should continue, after October 1, 1983, to use the procedures already established for such calculations, which are described in Appendix A.

The new minimum early withdrawal penalty will apply to all time deposit contracts entered into, renewed, or extended on or after October 1, 1983. Any time deposit issued before October 1, 1983, that is not renewed or extended on or after that date, will be subject to the early withdrawal penalty in effect at the time that the account was issued, renewed, or extended, whichever is later.

Since early withdrawal penalties continue to apply to time deposits, all regulations designed to enforce the penalties remain in effect. Consequently, any amendment of a time deposit that results in a reduction in the maturity of a deposit will continue to constitute the payment of a time deposit prior to maturity, requiring the imposition of the early withdrawal penalty. Also, certain grace periods during which an automatically renewed time deposit may be paid without the imposition of the penalty still will be permitted. Finally, all disclosure and advertising rules concerning early withdrawal penalties will remain in effect.

The new minimum early withdrawal penalty will be more severe than existing penalties under limited circumstances. For example, the current minimum early withdrawal penalty for 91-day, $2,500 time deposits is equal only to all interest earned on the amount withdrawn. The new minimum early withdrawal penalty on those 91-day instruments that are renewed or extended on or after October 1, 1983, will be more severe during the first 31 days of the accounts, since the minimum penalty on the 91-day account is the loss of at least one month's simple interest.

All accounts that were issued with fixed maturities prior to October 1, 1983, that are renewed or extended on or after that date, will be subject to, and must be modified to reflect, the new early withdrawal penalties. With regard, however, to accounts that are subject only to required notice before withdrawal and which, because of their notice feature, may not actually be renewed or extended on or after October 1, 1983, depository institutions may elect either (1) to continue to apply the early withdrawal penalty established by the regulations applicable to the account prior to October 1, 1983; or (2) to modify the accounts to incorporate the new minimum early withdrawal penalties.

Both the early withdrawal penalties for time deposits and the $2,500 minimum denomination on the ceiling-free, seven to 31-day account were retained to prevent an accelerated outflow from passbook savings accounts. In addition, the early withdrawal penalty was believed to be desirable to protect depository institutions that invest in long-term assets on the planning presumption that the deposits will be maintained until maturity.

The new regulations effectively will eliminate all regulatory distinctions, other than the early withdrawal penalties, among those accounts established or renewed on or after October 1, 1983, that either (1) have original maturities of more than 31 days, or (2) are of $2,500 or more and have original maturities of 31 days or less. Thus, the Committee's action simplifies

the current account structure and is intended to give depository institutions the flexibility to manage their liabilities in such a way as to attract deposits in maturities that match their asset maturities. In this context, it should be noted that the regulations establish the *minimum* early withdrawal penalties and requirements applicable to accounts. Depository institutions may establish stricter early withdrawal penalties, if they so desire. Similarly, depository institutions may limit the interest they pay on both ceiling-free accounts and accounts subject to ceilings, so long as the rate of interest paid in the latter case is less than the rate established by regulation. The regulations governing time deposits issued before October 1, 1983, passbook savings accounts, money market deposit accounts, and NOW accounts are not affected by the Committee's action.

The Committee, as is required by the Regulatory Flexibility Act (5 U.S.C. 603, *et seq.*), considered the potential effect on small entities of removing interest rate ceilings and regulations on time deposits with original maturities or required notice periods of more than 31 days and time deposits of $2,500 or more with original maturities or required notice periods of 31 days or less. The Committee's action in this regard will not impose any new reporting or record-keeping requirements. Small entities which are depositors should benefit generally from the Committee's proposal, since they will have a wider selection of instruments that will pay a market rate of return. Small entities which are depository institutions also should benefit generally from the Committee's proposal, since they will be better able to properly balance their asset-liability structures. If, however, low-yielding deposits shift into the Ceiling-free accounts as a result of the Committee's action, small entities which are depository institutions may experience increased costs. The staff study, however, concluded that any shift of low-yielding deposits into the ceiling-free accounts due to the Committee's action is likely to be minimal, most such transfers having taken place upon the authorization of the money market deposit account and the ceiling-free NOW account. The Committee further imposed a $2,500 minimum on ceiling-free accounts with original maturities or required notice periods of less than 31 days to discourage sudden shifts from low-yielding short-term deposits to ceiling-free accounts.

List of Subjects in 12 CFR Part 1204

Banks, banking.

PART 1204—[AMENDED]

Pursuant to its authority under Title II of Pub. L. 96-221 (94 Stat. 142; 12 U.S.C. Sec. 3501, *et seq.*) to prescribe rules governing the payment of interest and dividends on deposits and accounts of federally insured commercial banks, savings and loan associations, and savings banks, the Committee amends Part 1204—Interest on Deposits, as follows:

1. Effective October 1, 1983, by adding a new § 1204.123 to read as follows:

§ 1204.123 Payment of interest on time deposits issued on or after October 1, 1983.

(a) Notwithstanding any other provision of Part 1204, a commercial bank, savings bank or savings and loan association may pay interest at any rate agreed to by the depositor any time deposit issued, renewed, or extended on or after October 1, 1983, that either (1) is in an amount of $2,500 or more, or (2) has an original maturity or required notice period prior to withdrawal of more than 31 days.

(b) An institution may permit additional deposits to be made to any time deposit issued pursuant to this section at any time prior to its maturity without extending the maturity of all or a portion of the entire balance in the account.

2. Effective October 1, 1983, by designating § 1204.103 as paragraph (a), by adding a new sentence at the beginning thereof, and by adding new paragraphs (b), (c), and (d) to read as follows:

§ 1204.103 Penalty for early withdrawals.

(a) The following minimum early withdrawal penalties apply only to time deposit contracts entered into, renewed, or extended between June 2, 1980, and September 30, 1983, and that have not been renewed or extended on or after October 1, 1983. * * *

(b) The following minimum early withdrawal penalties shall apply to time deposit contracts entered into, renewed or extended on or after October 1, 1983:

(1) Where a time deposit with an original maturity or required notice period of seven to 31 days, or any portion thereof, is paid before maturity, a depositor shall forfeit an amount equal to the greater of (i) all interest earned on the amount withdrawn from the most recent of the date of deposit, date of maturity, or date on which notice was given, or (ii) all interest that could have been earned on the amount withdrawn during a period equal to one-half the maturity period or the required notice period.

(2) Where a time deposit with an original maturity or required notice period of 32 days to one year, or any portion thereof, is paid before maturity, a depositor shall forfeit an amount at least equal to one month's interest earned, or that could have been earned, on the amount withdrawn at the nominal (simple) interest rate being paid on the deposit, regardless of the length of time the funds withdrawn have remained on deposit.

(3) Where a time deposit with an original maturity or required notice period of more than one year, or any portion thereof, is paid before maturity, the depositor shall forfeit an amount at least equal to three months' interest earned, or that could have been earned, on the amount withdrawn at the nominal (simple) interest rate being paid on the deposit, regardless of the length of time the funds withdrawn have remained on deposit.

(c) Notwithstanding paragraph (a) of this section, where a time deposit of $2,500 to less than $100,000, with an original maturity of 91 days, that has been issued, renewed or extended before October 1, 1983, but not renewed or extended on or after that date, is paid before maturity, a depositor shall forfeit an amount equal to at least all interest earned on the amount withdrawn.

(d) Notwithstanding paragraph (a) of this section, where a nonnegotiable time deposit of $2,500 or more, with an original maturity or required notice period of seven to 31 days, that has been issued renewed or extended before October 1, 1983, but not renewed or extended on or after that date, is paid before maturity, the depositor shall forfeit an amount equal to at least the greater of—

(i) All interest earned on the amount withdrawn from the most recent of the date of deposit, date of maturity, or date on which notice was given, or

(ii) All interest that could have been earned on the amount withdrawn during a period equal to one-half the maturity period or required notice period.

§ 1204.121 [Amended]

3. Effective October 1, 1983, § 1204.121 is amended as follows:

a. By designating the name of the section to be "seven to 31-day time deposits";

b. By removing the word "nonnegotiable" from paragraph (a) thereof;

c. By revising paragraph (c) to read as follows:

* * * * *

(c) Section 102 of this part shall not apply to time deposits issued under this section. Where all or any part of a time deposit issued under this section is withdrawn within one business day after the maturity date of the deposit or the date of expiration of notice of withdrawal, no early withdrawal penalty is required to be applied on the amount withdrawn.

§§ 1204.104–1204.106, 1204.112, 1204.114, 1204.116, 1204.118–1204.120 [Removed]

4. Effective October 1, 1983, the following sections of Part 1204 are removed: §§ 1204.104, 1204.105, 1204.106, 1204.112, 1204.114, 1204.116, 1204.118, 1204.119, and 1204.120.

§1204.103 [Amended]

5. Effective January 1, 1984, paragraphs (c) and (d) of § 1204.103 are removed.

By order of the committee, August 18, 1983.

Mark G. Bender,

Executive Secretary.

Appendix A—Calculating the Early Withdrawal Penalty for Floating Rate Time Deposits

Note.—The following Appendix will not appear in the Code of Federal Regulations.

If an interest rate on a time deposit is tied to an index that is beyond the depository institution's control (*e.g.*, Treasury security rate, commercial paper rate, Federal funds rate, Federal Reserve discount rate) for the entire term of the deposit, the institution may base the simple interest rate, for purposes of calculating the minimum early withdrawal penalty, on the rate in effect on the date the account was opened, or on the date of withdrawal, or on an average of the rates in effect during the term of the deposit. The institution must specify, however, whether it will use the initial interest rate, the rate on the date of withdrawal, or the average rate. If the interest rate on a time deposit is not tied to an index, but instead varies in a precise way over the term of the deposit, or the relationship of the rate changes in regard to the index (*e.g.*, the commercial paper rate minus 50 basis points for the first six months of the instrument and the commercial paper rate minus 100 basis points thereafter), then the depository institution must compute the minimum early withdrawal penalty using the average of the simple interest rates on the deposit during the time period that the deposit was outstanding.

If the interest rate is established at regular intervals and remains in effect for regular periods (*e.g.*, the rate is established once a month and remains in effect for one month), the depository institution must calculate the average simple interest rate by taking the sum of the rates established at each interval while the funds were on deposit, divided by the number of periods the funds were on deposit. Each partial period will be considered a full period for the purpose of this calculation.

If the length of the periods for which rates are effective varies, the depository institution must calculate the average simple interest rate by dividing the amount of time a deposit was outstanding into equal periods and then adding the rates that were in effect during those periods and dividing by the number of periods. The period used should be the shortest period for which a rate was in effect. For example, a time deposit might have the following rates in effect for the following periods at the time a depositor wished to withdraw the funds:

6 months (percent)	15
1½ years (percent)	16
1 year (percent)	14

The total amount of time the deposit was outstanding was 3 years (6 months + 1½ years + 1 year). This 3-year period would then be divided into 6 periods of 6 months each. Then the rates in effect for each period would be:

1st six month period (percent)	15
2nd six month period (percent)	16
3rd six month period (percent)	16
4th six month period (percent)	16
5th six month period (percent)	14
6th six month period (percent)	14

To calculate the average simple interest rate, the rate in effect during each period would be added together—

$15+16+16+16+14+14=91$

The resulting sum would then be divided by the number of periods—91 divided by 6—to yield an average simple interest rate of 15.17 percent.

Lump sum payments of cash that would be regarded as interest (see 12 CFR 1204.109 and 12 CFR 1204.111), must be taken into account in computing the penalty rate. Any lump-sum payment must be prorated over the life of the deposit. The portion that is attributed to the time period during which the deposit was outstanding must be regarded as interest for purposes of computing the penalty rate. The portion attributable to the remaining life of the deposit is regarded as unearned interest and must be deducted from the principal amount of the deposit and returned to the institution.

[FR Doc. 83-23117 Filed 8-23-83; 8:45 am]

BILLING CODE 4810-25-M

CIVIL AERONAUTICS BOARD

14 CFR Part 291

[Reg. ER-1358, Economic Regulation Amdt. No. 13, Docket 41148]

Domestic Cargo Transportation; Exemption for All-Cargo Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB exempts domestic all-cargo carriers and the Department of Defense from a statutory prohibition against their entering into contracts with each other for cargo transportation. This rulemaking is intended to increase competition and cargo capability for defense cargo transportation.

DATES:

Effective: September 23, 1983.

Adopted: August 10, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: By a notice of proposed rulemaking (EDR-451, 48 FR 30, January 3, 1983), the Board proposed to exempt carriers certificated under section 418 of the Federal Aviation Act and the Department of Defense (DOD) from a restriction in section 401(o) of that Act. The exemption would allow DOD to contract with section 418 carriers for cargo transportation. No comments were filed in response to EDR–451. The Board has decided to adopt the rule as proposed.

Section 401(o) of the Act provides that only carriers certificated under section 401 can contract with DOD for long-term service (more than 30 days). DOD can contract with other carriers if it finds no section 401 carriers are available. Carriers certificated under section 418 (domestic all-cargo service) are thus prevented from providing long-term service to DOD except by *ad hoc* exemption by the Board. The Board has recently granted several exemptions for that purpose (*e.g.*, Order 82–9–5, dated September 2, 1982; Order 82–1–16, dated October 7, 1982). This rule makes further *ad hoc* exemptions unnecessary.

Section 401(o) was added to the Act in 1976 when section 401 was the only provision under which carriers could be certificated. Section 418 was added in 1977 to provide expanded, unrestricted domestic all-cargo service. There is no indication that Congress wanted to prohibit newly certificated carriers from providing contract service to DOD, since it directed that the Board act quickly on

section 401 applications to provide service to DOD. Nor is there any indication that Congress intended to prevent carriers certificated under section 418 from providing DOD service. Further, the fitness criteria for awarding certificates under both sections 401 and 418 are the same. There is thus no reason to prevent section 418 carriers from providing service to DOD or to require them to seek exemptions for each contract.

This rule grants an exemption under 14 CFR Part 291 for those carriers and for DOD to enable them to enter into contracts for long-term cargo service. The exemption will increase competition for DOD contracts, consistent with the policy of the Act, and will relieve a burden on these carriers by eliminating the need to apply for individual exemptions. The Board finds that it is consistent with the public interest to grant that exemption to the extent consistent with the carriers' operating authority.

Final Regulatory Flexibility Analysis

The discussion above is the Board's final regulatory flexibility analysis of the rule under the Regulatory Flexibility Act (5 U.S.C. 604). Copies of this document can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428, 202–673–5432, by referring to the "ER" number at the top of the document.

List of Subjects in 14 CFR Part 291

Air carriers, Antitrust, Freight, Insurance, Reporting and recordkeeping requirements.

PART 291—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 291, *Domestic Cargo Transportation*, as follows:

1. The authority for Part 291 is:

Authority: Secs. 102, 204, 401, 407, 408, 416, and 418, Pub. L. 85–726, as amended, 72 Stat. 740, 743, 754, 766, 767, 771; 91 Stat. 1284; 49 U.S.C. 1302, 1324, 1371, 1377, 1378, 1386, and 1388.

2. A new paragraph (c) is added to § 291.31 to read:

§ 291.31 Exemptions from the Act for direct air carriers.

* * * * *

(c) Each direct air carrier providing domestic cargo transportation under section 418 of the Act is exempted from the provisions of section 401(o)(1) of the Act to the extent necessary to permit it to compete for and operate domestic cargo charters for the Department of Defense under contracts of more than 30 days' duration.

3. A new paragraph (c) is added to § 291.32 to read:

§ 291.32 Exemptions from the Act for persons other than direct air carriers.

* * * * *

(c) The Department of Defense is exempted from section 401(o) of the Act to the extent necessary to permit it to negotiate and enter into contracts of more than 30 days' duration with any section 418 carrier for operation of domestic cargo charters.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-23257 Filed 8-23-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430, 436, and 442

[Docket No. 83N-0251]

Antibiotic Drugs; Sterile Cefuroxime Sodium

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new antibiotic drug, sterile cefuroxime sodium. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective August 24, 1983; comments, notice of participation, and request for hearing by September 23, 1983; data, information, and analyses to justify a hearing by October 24, 1983.

ADDRESS: Written comments to the Docket Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, National Center for Drugs and Biologics (HFN–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new antibiotic drug, sterile cefuroxime sodium. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 442, (21 Parts 430, 436, and 442) to provide for the inclusion of accepted standards for the product.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 430

Administrative practice and procedure, Antibiotics.

21 CFR Part 426

Antibiotics.

21 CFR Part 442

Antibiotics, Cepha.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 430, 436, and 442 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:

a. In § 430.5 by adding new paragraphs (a)(78) and (b)(78) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(78) *Cefuroxime.* The term "cefuroxime master standard" means a specific lot of cefuroxime that is designated by the Commissioner as the standard of comparison in determining the potency of the cefuroxime working standard.

(b) * * *

(78) *Cefuroxime.* The term "cefuroxime working standard" means a specific lot of a homogeneous preparation of cefuroxime.

b. In § 430.6 by adding new paragraph (b)(80) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(80) *Cefuroxime.* The term "microgram" applied to cefuroxime means the cefuroxime activity (potency) contained in 1.0893 micrograms of the cefuroxime master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended:

a. By adding new § 436.343 to read as follows:

§ 436.343 High-pressure liquid chromatographic assay for cefuroxime.

(a) *Equipment.* A suitable high-pressure liquid chromatograph equipped with:

(1) A low dead volume cell 8 to 20 microliters;

(2) A light path length of 1 centimeter;

(3) A suitable ultraviolet detection system operating at a wavelength of 254 nanometers;

(4) A suitable recorder of at least 25.4 centimeter deflection;

(5) A suitable integrator; and

(6) A 15-centimeter column having an inside diameter of 4.6 millimeters and packed with hexyl silane chemically bonded to porous silica or ceramic microparticles, 5 micrometers in diameter.

(b) *Reagents.*—(1) *Acetate buffer, pH 3.4.* Place 50 milliliters of 0.1*M* sodium acetate into a 1,000-milliliter volumetric flask and dilute to volume with 0.1*M* acetic acid. Mix.

(2) *Mobile phase.* Mix 0.1*M* acetate buffer, pH 304:acetonitrile (10:1). Filter the mobile phase through a suitable glass fiber filter or equivalent that is capable of removing particulate contamination to 1 micron in diameter. Degas the mobile phase just prior to its introduction into the chromatograph pumping system.

(3) *Internal standard solution.* Prepare a 1.5 milligram per milliliter solution of orcinol monohydrate in water.

(c) *Operating conditions.* Perform the assay at ambient temperature with a typical flow rate of 2.0 milliliters per minute. Use a detector sensitivity setting that gives a peak height for the working standard that is at least 50 percent of scale.

(d) *Preparation of working standard and sample solutions*—(1) *Preparation of working standard solution.* Dissolve an accurately weighed portion of the cefuroxime working standard with sufficient distilled water to obtain a stock solution containing 1.0 milligram of cefuroxime per milliliter. Immediately transfer 5.0 milliliters of the stock solution to a 100-milliliter volumetric flask, add 20.0 milliliters of internal standard solution and dilute to 100 milliliters with distilled water and mix. Store the solution in a refrigerator and use within 6 hours.

(2) *Preparation of sample solutions*—(i) *Product not packaged for dispensing (micrograms of cefuroxime per milligram).* Dissolve an accurately weighed portion of the sample with sufficient distilled water to obtain a stock solution containing 1.0 milligram of cefuroxime per milliliter. Immediately transfer 5.0 milliliters of the stock solution to a 100-milliliter volumetric flask, add 20.0 milliliters of internal standard solution and dilute to 100 milliliters with distilled water and mix. Store the solution in a refrigerator and use within 6 hours. Using this sample solution, proceed as directed in paragraph (e) of this section.

(ii) *Product packaged for dispensing.* Determine both micrograms of cefuroxime per milligram of the sample and milligrams of cefuroxime per container. Use separate containers for preparation of each sample solution as described in paragraph (d)(2)(ii) (*a*) and (*b*) of this section.

(*a*) *Micrograms of cefuroxime per milligram.* Dissolve an accurately weighed portion of the sample with sufficient distilled water to obtain a stock solution containing 1.0 milligram of cefuroxime per milliliter. Immediately transfer 5.0 milliliters of the stock solution to a 100-milliliter volumetric flask, add 20.0 milliliters of internal standard solution and dilute to 100 milliliters with distilled water and mix. Store the solution in a refrigerator and use within 6 hours. Using this sample solution, proceed as directed in paragraph (e) of this section.

(*b*) *Milligrams of cefuroxime per container.* Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the solution thus obtained with distilled water to obtain a stock solution of 1.0 milligram per milliliter. Immediately transfer 5.0 milliliters of the stock solution to a 100-milliliter volumetric flask, add 20.0 milliliters of internal standard solution and dilute to 100 milliliters with distilled water and mix. Store the solution in a refrigerator and use within 6 hours. Using this sample solution, proceed as directed in paragraph (e) of this section.

(e) *Procedure.* Using the equipment, reagents, and operating conditions as listed in paragraphs (a), (b), and (c) of this section, inject 10 microliters of the working standard solution into the chromatograph. Allow an elution time sufficient to obtain satisfactory separation of the expected components. After separation of the working standard solution has been completed, inject 10 microliters of the sample solution prepared as described in paragraph (d)(2)(i) of this section into the chromatograph and repeat the procedure described for the working standard solution. If the sample is packaged for dispensing, repeat the procedure for each sample solution prepared as described in paragraph (d)(2)(ii)(*a*) and (d)(2)(ii)(*b*) of this section.

(f) *Calculations*—(1) Calculate the micrograms of cefuroxime per milligram of sample as follows:

$$\text{Micrograms of cefuroxime per milligram} = \frac{R_u \times P_s \times 100}{R_s \times C_u \times (100-m)}$$

where:

R_u = Area of the cefuroxime peak in the chromatogram of the sample (at a retention time equal to that observed for the standard)/Area of internal standard peak;

R_s = Area of the cefuroxime peak in the chromatogram of the cefuroxime working standard/Area of internal standard peak;

P_s = Cefuroxime activity in the cefuroxime working standard solution in micrograms per milliliter;

C_u = Milligrams of sample per milliliter of sample solution; and

m = Percent moisture content of the sample.

(2) Calculate the cefuroxime content of the vial as follows:

$$\text{Milligrams of cefuroxime per vial} = \frac{R_u \times P_s \times d}{R_s \times 1{,}000}$$

where:
R_u = Area of the cefuroxime peak in the chromatogram of the sample (at a retention time equal to that observed for the standard)/Area of internal standard peak;
R_s = Area of the cefuroxime peak in the chromatogram of the cefuroxime working standard/Area of internal standard peak;
P_s = Cefuroxime activity in the cefuroxime working standard solution in micrograms per milliliter; and
d = Dilution factor of the sample.

b. By adding new § 436.344 to read as follows:

§ 436.344 Thin layer chromatographic identity test for cefuroxime.

(a) *Equipment*—(1) *Chromatography tank.* Use a rectangular tank approximately 23×23×9 centimeters, with a glass solvent trough on the bottom and a tight-fitting cover. Line the inside walls of the tank with Whatman #3MM chromatographic paper or equivalent.

(2) *Plates.* Use 20 × 20 centimeter thin layer chromatography plates coated with Silica Gel F or equivalent to a thickness of 250 microns.

(b) *Developing solvent.* Mix chloroform, methanol, and formic acid in volumetric proportions of 90:16:4, respectively.

(c) *Preparation of the spotting solutions.* Dissolve approximately 200 milligrams each of the working standard and sample in 5 milliliters of a 50 percent aqueous acetone solution.

(d) *Procedure.* Pour the developing solvent into the glass trough at the bottom of the chromatography tank. Cover and seal the tank. Allow it to equilibrate for 1 hour. Prepare a plate as follows: On a line 2 centimeters from the base of the plate, and at intervals of 2 centimeters, spot 5 microliters each of the sample and working standard solutions. After all spots are thoroughly dry, place the plate directly into the glass trough of the chromatography tank. Cover and seal the tank tightly. Allow the solvent front to travel a minimum of 15 centimeters from the starting line. Remove the plate from the tank and allow it to air dry. Observe under ultraviolet light (254 nanometers).

(e) *Evaluation.* Measure the distance the solvent front traveled from the starting line and the distance the spots are from the starting line. Calculate the R_f value by dividing the latter by the former. The sample and standard should have spots of corresponding R_f values.

PART 442—CEPHA ANTIBIOTIC DRUGS

3. Part 442 is amended:

a. By adding new § 442.18a to read as follows:

§ 442.18a Sterile cefuroxime sodium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cefuroxime sodium is the sodium salt of (6*R*, 7*R*)-3-carbamoyloxymethyl-7-[(2*Z*)-2-(2-furyl)-2-methoxyiminoacetamido] cepha-3-em-4-carboxylic acid. It is so purified and dried that:

(i) If the cefuroxime is not packaged for dispensing, its cefuroxime content is not less than 855 micrograms and not more than 1,000 micrograms of cefuroxime per milligram on an anhydrous basis. If the cefuroxime is packaged for dispensing, its cefuroxime content is not less than 855 micrograms and not more than 1,000 micrograms of cefuroxime per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 120 percent of the number of milligrams of cefuroxime that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) Its moisture content is not more than 3.5 percent.

(v) Its pH in an aqueous solution is not less than 6.0 and not more than 8.5.

(vi) It gives a positive identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for cefuroxime content, sterility, pyrogens, moisture, pH, and identity.

(ii) Samples, if required by the Director, National Center for Drugs and Biologics:

(*a*) If the batch is packaged for repacking or for use as an ingredient in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 1 gram.

(*2*) For sterility testing: 20 packages, each containing approximately 1 gram.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Cefuroxime content.* Proceed as directed in § 436.343 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of cefuroxime per milliliter.

(4) *Moisture.* Proceed as directed in § 436.201 of this chapter, using the titration procedure described in paragraph (e)(1) of that section.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(6) *Identity.* From the high-pressure liquid chromatograms of the sample and the cefuroxime working standard determined as directed in paragraph (b)(1) of this section, calculate the adjusted retention times of the cefuroxime in the sample and standard solutions as follows:

$$\text{Adjusted retention time of cefuroxime} = t - t_a$$

where:
t = Retention time measured from point of injection into the chromatograph until the maximum of the cefuroxime sample or working standard peak appears on the chromatogram; and
t_a = Retention time measured from point of injection into the chromatograph until the maximum of nonretarded solute appears in the chromatogram.

The sample and the cefuroxime working standard should have corresponding adjusted cefuroxime retention times.

b. By adding new § 442.218 to read as follows:

§ 442.218 Sterile cefuroxime sodium.

The requirements for certification and the tests and methods of assay for sterile cefuroxime sodium packaged for dispensing are described in § 442.18a.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this regulation is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest The amendment, therefore, is effective August 24, 1983. Interested persons may, however, on or before September 23, 1983, submit written

comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before September 23, 1983, a written notice of participation and request for hearing, and (2) on or before October 24, 1983, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. August 24, 1983.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: August 17, 1983.

James C. Morrison,

Assistant Director for Regulatory Affairs.

[FR Doc. 83-23205 Filed 8-23-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. TF-143; Ref: Notice No. 451]

Establishment of York Mountain Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms; Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in San Luis Obispo County, California, to be known as "York Mountain." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of "York Mountain" as a viticultural area and subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they may purchase.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, (202) 566–7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4 allowing the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

York Mountain Winery in San Luis Obispo County, California, petitioned ATF to establish a viticultural area to be known as "York Mountain." In response to the petition, ATF published a notice of proposed rulemaking, Notice No. 451, in the **Federal Register** on February 9, 1983 (48 FR 5956), proposing the establishment of York Mountain as a viticultural area. The petitioner's comment in favor of the viticultural area and their request to make a minor change in the boundary line was the only comment received.

Historical Evidence of the Name

The petitioner stated that the name "York Mountain" is well known in the area because of the mountain named York. The winery is located at the base of York Mountain. The winery and vineyards were established in 1882 by the York family who owned the property until 1970. The U.S.G.S. map submitted by the petitioner is entitled "York Mountain Quadrangle."

Geographical Features

York Mountain viticultural area is distinguished from surrounding areas suitable for growing grapes by:

(1) Being closer to the Pacific Ocean (7 miles) therefore receiving more of a cooling fog influence;

(2) The elevation being higher (up to 1500 feet on the slopes of the Santa Lucia Mountain Range);

(3) The rainfall averages 45 inches per year which is about double the amount of surrounding areas; and

(4) A classification of Region I as compared to Regions III and IV for nearby areas.

Change in the Boundary

The petitioner requested the viticultural area be reduced by about 640 acres on the eastern boundary. It was found that this 640 acres more closely approximates the Region III classification of the proposed Paso Robles viticultural area. The York Mountain viticultural area is considered a cool climate Region I grape-growing area. By putting the 640 acres in the proposed Paso Robles viticultural area, the boundary between the two viticultural areas is more geographically distinguishable than before. This final rule accepts the request to reduce the York Mountain viticultural area size and the description of the boundaries in 27 CFR 9.80 reflect the change.

Miscellaneous

ATF does not wish to give the impression by approving York Mountain as a viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements

as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of York Mountain wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Enforcement Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a "major rule" since it will not result in—

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Rm. 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue NW., Washington, DC.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Viticultural areas, Consumer protection, Wine.

Drafting Information

The principal author of this document is James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (45 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.80 as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.80 York Mountain.

Par. 2. Subpart C is amended by adding § 9.80 to read as follows:

§ 9.80 York Mountain.

(a) *Name.* The name of the viticultural area described in this section is "York Mountain."

(b) *Approved map.* The approved map for the York Mountain viticultural area is the U.S.G.S. map entitled "York Mountain Quadrangle," 7.5 minute series (topographic), 1979.

(c) *Boundaries.* The York Mountain viticultural area is located in San Luis Obispo County, California. The boundaries are as follows:

(1) From the beginning point at the northwest corner of the York Mountain Quadrangle map where the Dover Canyon Jeep Trail and Dover Canyon Road intersect, proceed east along Dover Canyon Road 1.5 miles to the western boundary line of Rancho Paso de Robles;

(2) Follow the western boundary line of Rancho Paso de Robles southwest 6.0 miles to where the boundary joins Santa Rita Creek;

(3) Turn right at Santa Rita Creek and follow the creek 5 miles to where the waters of Dover Canyon and Santa Rita Creek meet; and

(4) Then proceed north along Dover Canyon Creek across State Highway 46 back to the point of beginning.

Signed: August 3, 1983.

Stephen E. Higgins,

Director.

Approved: August 8, 1983.

David Q. Bates,

Deputy Assistant Secretary, Operations.

[FR Doc. 83-23255 Filed 8-23-83; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Kentucky Abandoned Mine Land Reclamation Program Amendment

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: On December 8, 1982, the State of Kentucky submitted to OSM a proposed amendment to its Abandoned Mine Land Reclamation (AMLR) Plan. After opportunity for public comment and review of the amendment, the Assistant Secretary for Energy and Minerals of the Department of the Interior has determined that the Kentucky amendment meets the requirements of the Surface Mining Control and Reclamation Act (SMCRA) and the Secretary's regulations (30 CFR Chapter VII, Subchapter R, 47 FR 28574-28604, June 30, 1982). Accordingly, the Assistant Secretary has approved the Kentucky amendment.

EFFECTIVE DATE: The rule is effective September 23, 1983.

ADDRESSES: Copies of the full text of the proposed amendment are available for review during regular business hours at the following locations:

Kentucky Department of Natural Resources and Environmental Protection, Frankfort, Kentucky 40601

Office of Surface Mining, Lexington Field Office, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504

Office of Surface Mining Reclamation and Enforcement, Administrative Record Rm. 5315, 1100 L Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Charles V. Smith, Program Manager, Division of Abandoned Mine Lands, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone (202) 343-7921.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that

were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal Law. Title IV provides that a State with an approved AMLR program has the responsibility and primary authority to implement an abandoned mine land reclamation program.

The Kentucky AMLR Plan was approved on May 18, 1982. On December 8, 1982, Kentucky submitted a proposed amendment to the Plan. An approved State AMLR Plan can be amended under the provisions of 30 CFR 884.15. Under these provisions, if the amendment or revision changes the objectives, scope, or major policies followed by the State in the conduct of its reclamation program, the Director of the Office of Surface Mining should follow the procedures set out in 30 CFR 884.14 in approving an amendment or revision of a State reclamation plan. The Director has followed these procedures and recommended to the Assistant Secretary on July 22, 1983, that the Kentucky amendment be approved.

OSM published a notice of proposed rulemaking on the Kentucky amendment and requested public comment on March 31, 1983 (48 FR 13441). No public comments were received. The State of Kentucky determined that a public hearing on the proposed amendment was not required.

To codify information which applies to individual States under SMCRA, including decisions on State reclamation plans and amendments, OSM has established a new Subchapter T of 30 CFR Chapter VII. Subchapter T consists of Parts 900 through 953. Provisions relating to Kentucky are found in 30 CFR Part 917.

The Kentucky AMLR plan amendment clarifies 30 CFR 884.13(c)(5) that deals with reclamation on private lands and 30 CFR 884.13(c)(6) that deals with rights of entry to private lands for reclamation purposes.

The principal topics covered under 30 CFR 884.13(c)(5) amendment include liens, waiver of liens, levy of liens, satisfaction of liens and appraisals on private lands. Under 30 CFR 884.13(c)(6) the principal topics covered include Kentucky policy on right of entry on private land, determinating land ownership, obtaining consent for entry on private land and appropriate action when entry is refused.

The subjects, reclamation on private lands and rights of entry to private lands, are covered in Chapters 7 and 8 of the approved plan, respectively.

Assistant Secretary's Findings

In accordance with Section 405 of SMCRA, the Assistant Secretary finds that Kentucky has submitted an amendment to its Abandoned Mine Land Reclamation Plan and has determined, pursuant to 30 CFR 884.15, that:

1. The public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.
2. Views of other Federal agencies have been solicited and considered.
3. The State has the legal authority, policies and administrative structure to carry out the amendment.
4. The amendment meets all requirements of the OSM, AMLR Program provisions.
5. The State has an approved Surface Mining Regulatory Program.
6. The amendment is in compliance with all applicable State and Federal laws and regulations.

Additional Findings

The Office of Surface Mining has examined this proposed rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981) and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and
2. Approval will not have adverse effects on competition, employment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have significant economic effects on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and record keeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the Kentucky amendment does not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of the Interior Manual DM 5162.3(A)(1), the Assistant Secretary's decision on the Kentucky amendment is categorically excluded from the National Environmental Policy Act requirements.

As a result, no environmental assessment (EA) nor environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Moreover, an EA or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental regulations, Surface mining, Underground mining.

(Pub. L. 95-87, 304 U.S.C. 1201, et seq.)

Dated: July 22, 1983.

J. R. Harris,

Director, Office of Surface Mining.

Dated August 16, 1983.

William P. Pendley,

Deputy Assistant Secretary for Energy and Minerals.

PART 917—KENTUCKY

Therefore, Part 917 is amended by adding § 917.21 to read as follows:

§ 917.21 Amendment to approved Kentucky abandoned mine land reclamation plan.

The Kentucky Amendment, as submitted on December 8, 1982, is approved. Copies of the approved amendment are available at:

Kentucky Department of Natural Resources and Environmental Protection, Frankfort, Ky. 40601

Office of Surface Mining, Lexington Field Office, 340 Legion Drive, Suite 28, Lexington, Ky. 40504

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Rm. 5315, 1100 L Street NW., Washington, D.C. 20240.

[FR Doc. 83-23264 Filed 8-23-83; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 2420-1]

Approval and Promulgation of Implementation Plans; Approval of Revisions of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces approval of a revision to the Maryland State Implementation Plan (SIP). This action is based on the State's request to approve the revision which meets the requirements of the Clean Air Act. The revision is a modification of a previously issued Secretarial Order defining the terms under which a municipal incinerator may be constructed in a nonattainment area.

EFFECTIVE DATE: This action will be effective October 24, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the revision and accompanying documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Management Branch, Curtis Building, Sixth & Walnut Streets, Philadelphia, PA 19106, Attn: James B. Topsale, P.E.

Maryland Department of Health & Mental Hygiene, Air Management Administration, 201 W. Preston Street, Baltimore, Maryland 21201, Attn: George P. Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408

All comments should be directed to: James E. Sydnor, Chief, MD/VA/DC/DE Section (3AW13), Air Management Branch, U.S. Environmental Protection Agency, Curtis Building, Sixth & Walnut Streets, Philadelphia, PA 19106, Attn: AW045MD.

FOR FURTHER INFORMATION CONTACT: Mr. James B. Topsale, P.E. (3AW13), U.S. Environmental Protection Agency, Region III, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone 215/597-9377.

SUPPLEMENTARY INFORMATION: On December 22, 1981, the State of Maryland submitted to EPA a Secretarial Order regarding the proposed construction of the Southwest municipal incinerator in Baltimore City. The construction permit was approved as a State Implementation Plan (SIP) revision by EPA in the July 7, 1982 **Federal Register** (40 FR 29531) and codified at 40 CFR 52.1070(c)(65).

On March 29, 1983, EPA received a proposed revision to the Maryland SIP in the form of a modification to the November 20, 1981 Secretarial Order for the Northeast Maryland Waste Disposal Authority (the "Authority") resource recovery facility (the "Southwest municipal incinerator").

The Authority has selected Wheelabrator—Frye Inc. (the "Company") to construct, own, and operate the incinerator. According to the terms and conditions of the 1981 Secretarial Order, an emission offset would be acquired and maintained which would be equal to at least 110 percent of the emissions from the proposed incinerator. The Authority negotiated with the City of Baltimore for an emission offset to be obtained from the closing of the Baltimore City Pyrolysis Plant and the Pennington Avenue Landfill (the "Landfill"). The City owns a portion of the land on which the Landfill is located. BEDCO Development Corporation ("BDC") owns the remaining portion of the land and leases that portion to the City.

The November 20, 1981 Secretarial Order indicates that the State will take action to curtail or to terminate operations at the incinerator, should the Landfill be reopened as a landfill or otherwise operated as a source of particulate emissions. The revised February 25, 1983 Secretarial Order includes legally binding assurances from the City and BDC that the landfill will be permanently closed on or before September 1, 1983.

Also, no later than September 1, 1983, the City will relinquish all permits relating to the operaton of the Landfill as a landfill or as a source of particulate emissions. The City further agrees not to undertake efforts to obtain new or additional permits relating to the Landfill unless the State, the Authority, and the Company agree that a reduction in emissions from the Landfill is no longer required to offset emissions from the incinerator.

The City and BDC acknowledge that each intends to be legally bound by the agreements of the Secretarial Order and consents to the State taking any and all legal action necessary to enforce the Order.

The result of these additions is to change the primary enforcement mechanism to insure that the incinerator's emissions do not exceed the available offset. If the Landfill recommences operation, the State can now proceed directly against the City and BDC to require closure of the Landfill and maintenance of the offset. No direct action will be taken against the Facility. All other terms and conditions of the November 20, 1981 Secretarial Order remain unchanged.

Notice of Public Hearing

The State informed EPA that a public hearing was held in Baltimore on February 25, 1983, as required by 40 CFR 51.4.

EPA Evaluation/Action

EPA has reviewed the State's submittal and concludes that the terms and conditions of the November 20, 1981 and February 25, 1983 Secretarial Orders, regarding the Southwest municipal incinerator, meet all of the applicable SIP requirements as discussed at 40 FR 29531.

Therefore, EPA approves the February 25, 1983 Secretarial Order from the State of Maryland as a revision of the Maryland SIP. Accordingly, this notice amends 40 CFR 52.1070 (Identification of Plan), Subpart V (Maryland), to incorporate the submitted material into the approved Maryland SIP.

The public is advised that this action will become effective 60 days from the publication date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and another notice will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), I have certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 24, 1983. This action may not be challenged late in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: August 17, 1983.

William D. Ruckelshaus,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register on July 1, 1982.

PART 52—[AMENDED]

Title 40, Part 52, Subpart V of the Code of Federal Regulations is amended as follows:

Subpart V—Maryland

Section 52.1070 is amended by adding paragraph (c)(70) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(70) A modified Secretarial Order stating the terms under which a construction permit for a new source in a nonattainment area will be issued to Wheelabrator-Frye, Inc. who will construct, own, and operate a municipal incinerator; submitted on March 17, 1983 by the Director, Maryland Air Management Administration, Department of Health and Mental Hygiene.

(42 U.S.C. 7401)

[FR Doc. 83-23070 Filed 8-23-83; 8:45 am]

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40 CFR Part 52

[A-6-FRL 2420-7]

Approval and Promulgation of Revisions to the New Mexico State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This action approves a revision to the New Mexico State Implementation Plan (SIP) which was submitted by the New Mexico Environmental Improvement Division on December 20, 1979. This revision, entitled "Public Information and Participation Program" was submitted to fulfill the requirements of Section 127 of the Clean Air Act Amendments of 1977 (CAA) concerning public notification.

EFFECTIVE DATE: This rulemaking will be effective on October 24, 1983 unless notice is received within 30 days that someone wishes to submit adverse or critical comments or request a public hearing on the subject revision.

ADDRESSES: Written comments on this action should be addressed to Randy Brown of the EPA Region 6 Air Branch (address below). Copies of the State's submittal may be examined during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Room 2922, Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Randy Brown, State Implementation Plan Section, Air and Waste Management Division, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: On December 20, 1979, the New Mexico Environmental Improvement Division submitted a minor revision to the New Mexico SIP in fulfillment of Section 127 of the Clean Air Act Amendments of 1977 (CAA). Section 127 requires each State to incorporate in its SIP provisions for notifying the public during any calendar year of instances or areas in which any national primary ambient air quality standard is exceeded or was exceeded during any portion of the preceding calendar year. Notification is to also advise the public of health hazards associated with such pollution; enhance public awareness of measures which can be taken to prevent such standards from being exceeded; and to advise the public of ways in which they can participate in regulatory and other efforts to improve air quality.

EPA has reviewed the State's submittal and developed an Evaluation Report [1] which describes the 1977 requirements and evaluates the State's efforts to satisfy the requirements. This report is available for review during normal business hours at the addresses listed above.

The State of New Mexico has agreed to perform the public notification requirements of Section 127 of the CAA and has developed formal information procedures in an effort to insure public awareness of the air quality in the State. The program delineates the manner in which the public will be: (1) Informed when national ambient air quality standards are exceeded; (2) provided with information related to control measures that may help to curb air pollution; (3) provided with information about health hazards associated with air pollutants; and (4) afford the opportunity to participate in air quality related activities, such as public meetings and hearings.

The revision included in this approval notice is considered minor in nature and noncontroversial. EPA is approving the revision without prior proposal.

The public should be advised that this action will be effective 60 days from the date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 24, 1983. This action may not be challenged later in proceedings to enforce its requirements.

(See 307(b)(2))

Pursuant to the provisions to 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of New Mexico was approved by the Director of the **Federal Register** on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

This notice of final rulemaking is issued under the authority of Section 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7520.

[1] Evaluation Report for Revision to New Mexico "Public Information and Participation Program" November 1982.